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JUN 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Vollmers, et al.	:	
Application No. 09/469,606	:	ON PETITION
Filed: December 22, 1999	:	
Attorney Docket No. 50274/007002	:	
For: SUBSTANCE FOR OBTAINING	:	
HIGHLY EFFECTIVE TUMOR	:	
MEDICATIONS AS WELL AS A PROCESS	:	

This is a decision on the petition, filed May 15, 2009 (certificate of mailing date May 12, 2009), requesting that the Office withdraw the holding of abandonment of the above-identified application. The petition will be treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the final Office action, mailed October 29, 2008, which set forth an extendable three (3) month period for reply. A Notice of Abandonment, mailed May 5, 2009, states that no reply to the October 29, 2008 final Office action was received in the Office.

Petitioners request withdrawal of the holding of abandonment based on the assertion that a request for a three month extension of time and a RCE were timely filed in the Office on certificate of mailing date April 29, 2009 and physically present in the Office on May 4, 2009. The undersigned finds this argument completely convincing, as these documents are present in the application file and Office financial records show that the required three month extension of time fee and the required RCE fee were charged on accounting date May 4, 2009. The petition for extension of time, the RCE, and the accompanying amendment contain proper certificates of mailing attached thereto.

Under 37 CFR 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 CFR 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 CFR 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the

certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

As stated above, all salient pieces of correspondence included a proper certificate of mailing, in compliance with the requirements of 37 CFR 1.8(a)(1) as set forth above.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the May 5, 2009 Notice of Abandonment is **vacated**. No petition fee has been or will be charged in connection with this matter.

This application is being referred to Technology Center AU 1643 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



IFW RCE


PATENT
ATTORNEY DOCKET NO. 50274/007002

Certificate of Mailing: Date of Deposit: April 29, 2009

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Michael E. Connors

Printed name of person mailing correspondence


Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Heinz Peter Vollmers et al.	Confirmation No.:	5150
Serial No.:	09/469,606	Art Unit:	1643
Filed:	December 22, 1999	Examiner:	Alana M. Harris
Customer No.:	21559		
Title:	SUBSTANCE FOR OBTAINING HIGHLY EFFECTIVE TUMOR MEDICATIONS AS WELL AS A PROCESS		

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REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. § 1.114

Applicants hereby request continued examination of the above-captioned application under 37 C.F.R. § 1.114. The application is a non-provisional application that was filed on or after June 8, 1995.

This request is being submitted after the mailing of a final Office Action. Enclosed is a reply to the final Office Action.

Enclosed is a check for \$405.00 in payment of the fee required by 37 C.F.R. § 1.17(e) for this Request for Continued Examination.

adjustment date: 06/17/2009 CKHLUK
05/04/2009 CCHAUI 00000026 09469606
01 FC:2801 -405.00 OP

05/04/2009 CCHAUI 00000026 09469606

01 FC:2801

405.00 OP

06/17/2009 CKHLUK 00000010 09469606

01 FC:2801

405.00 OP

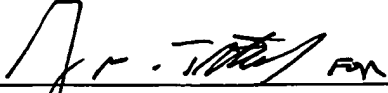
If there are any additional charges or any credits, please apply them to Deposit Account

No. 03-2095.

Respectfully submitted,

Date: 29 April 2009

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045



Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109
JAN M. DITTER, Ph.D.
Reg. No. 52,290



PATENT
ATTORNEY DOCKET NO. 50274/007002

Certificate of Mailing: Date of Deposit: April 29, 2009

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PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136, Applicants hereby petition that the period for replying to the final Office Action that was mailed in connection with the above-captioned application on October 29, 2008 be extended for three (3) months, to and including April 29, 2009.

Enclosed is a check for \$555.00 for the fee required by 37 C.F.R. § 1.17(a).

Adjustment date: 06/17/2009 CKHLOK
05/04/2009 CCHAUI 00000026 09469606
02 FC:2253 -555.00 OP

05/04/2009 CCHAUI 00000026 09469606
02 FC:2253 555.00 OP

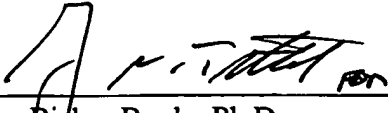
06/17/2009 CKHLOK 00000010 09469606
02 FC:2253 555.00 OP

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